

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**FAO No. 2652 of 2015(O&M)**

**Date of decision: 22.5.2019**

Santosh and others

.....Appellants

VERSUS

Avtar Singh and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Neeraj Khanna, Advocate for the appellants.

Mr. A.S. Sidhu, Advocate for the Insurance Company.

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**REKHA MITTAL, J. (Oral)**

The claimants are in appeal seeking enhancement of compensation awarded by the Motor Accidents Claims Tribunal, Ropar (in short 'the Tribunal') on account of death of Rajpal in a motor vehicular accident that took place on 19.02.2014.

The Tribunal awarded Rs.7,90,000/- detailed hereunder:-

|                                 |                   |
|---------------------------------|-------------------|
| Monthly income of the deceased  | Rs.5000/-         |
| Deduction for personal expenses | 1/4 <sup>th</sup> |
| Multiplier                      | 16                |
| Loss of dependency              | Rs.7,20,000/-     |
| Loss of consortium              | Rs.50,000/-       |
| Expenses on funeral             | Rs.20000/-        |

The plea of claimants is that deceased was earning Rs.15000/- per month. The Tribunal has noticed that no document regarding income has been placed on record. Taking a clue from notification issued by the State of Punjab fixing minimum wage at the relevant time, income of the

deceased is assessed at Rs.6300/- per month. Claimants shall be entitle to addition in income for future prospects at the rate of 40%. Deduction for personal expenses and multiplier allowed by the Tribunal are correct and affirmed. In this manner, loss of dependency comes to Rs.12,70,080/- [Rs.12,09,600/- (Rs.6300 x 12 x 16) + Rs.4,83,840/- (40% addition towards future prospects) – Rs.4,23,360/- (1/4<sup>th</sup> deduction towards personal expenses)].

Under conventional heads, compensation allowed by the Tribunal is modified to the effect that appellants shall be entitle to Rs.70,000/- detailed hereunder:-

|                    |             |
|--------------------|-------------|
| Loss of consortium | Rs.40,000/- |
| Funeral expenses   | Rs.15,000/- |
| Loss of estate     | Rs.15,000/- |

In view of the above, total compensation comes to Rs.13,40,080/- and the additional amount is Rs.5,50,080/- (Rs. 13,40,080/- - Rs.7,90,000/-) payable with interest at the rate of 7.5% per annum from the date of petition till realization, to claimants in equal ratio. The amount falling to share of the minors shall be invested in fixed deposit till they become major or for a period of 3 years, whichever is later. Interest accruing on the fixed deposit shall be payable to their mother for meeting expenses on their education and living.

The appeal is partly allowed in the aforesaid terms.

**MAY 22, 2019**

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

**(REKHA MITTAL)**

**JUDGE**

yes/no

yes/no